


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/846,907-Conf. #4637
		Filing Date	May 1, 2001
		First Named Inventor	Shinya Kimura
		Art Unit	2135
		Examiner Name	Ha, Leynna A.
Total Number of Pages in This Submission		Attorney Docket Number	55861 (72012)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div style="border: 1px solid black; padding: 5px; min-height: 80px;">         Remarks       </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	David A. Tucker		
Date	August 4, 2006	Reg. No.	27,840

Application No. (if known): 09/846,907

**RECEIVED**

Attorney Docket No.: 55861 (72012)

**AUG 07 2006**

**U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
37 C.F.R. § 41.41**

**Certificate of Express Mailing Under 37 C.F.R. § 41.41**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 754869142 US** in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on August 4, 2006  
Date

**RECEIVED**

**AUG 07 2006**

**U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
37 C.F.R. § 41.41**

*Kathryn Grindrod*  
Signature

Kathryn Grindrod

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal (1 page)

Appellant's Reply to the Examiner's Answer Submitted Pursuant to

37 C.F.R. §41.41 (w/3 copies) (16 pages)

Return Receipt Postcard

**RECEIVED**

**AUG 08 2006**

Technology Center 2100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Shinya Kimura

EXAMINER: Ha, Leynna A.

SERIAL NO.: 09/846,907

GROUP: 2135

FILED: May 1, 2001

FOR: ACCESS POINT DEVICE AND AUTHENTICATION METHOD THEREFOR

\*\*\*\*\*

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail" Post Office to Addressee service prepaid under Express Mail Label No. EV 754869142 US in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 4, 2006.

By:

  
Kathryn A. Grindrod

\*\*\*\*\*

**Board of Patent Appeals and Interferences**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**APPELLANT'S REPLY THE EXAMINER'S ANSWER**  
**SUBMITTED PURSUANT TO 37 C.F.R. §41.41**

In reply to the EXAMINER'S ANSWER of 5 June 2006 responding to APPELLANT'S BREIF ON APPEAL of 27 February 2006 in support of APPELLANT'S NOTICE OF APPEAL, dated December 29, 2005, from the Examiner's Final Rejection of the above-identified application, mailed on June 29, 2005, Appellant respectfully submits the following APPELLANT'S REPLY TO THE EXAMINER'S ANSWER.

## Table of Contents

Table of Contents .....	i
Introduction .....	1
Summary of Claimed Subject Matter .....	2
Statement of Issues for Reply .....	3
Appellant's Reply .....	4
I.    Introduction .....	4
II.   The display means and the input means are not both associated with a human LAN administrator. The LAN administrator could be software within the scope of the claims. (EXAMINER'S ANSWER, Page 9, last paragraph) .....	5
III.  Amendment After Final Rejection was not entered (Compare EXAMINER'S ANSWER at Page 6, last full paragraph with APPELLANT'S BRIEF ON APPEAL at page 9.) .....	6
IV.  Examiner takes the erroneous position that the claims of this application cover either authenticating or authentication rejecting instructions, <i>but not both</i> . See page 8 of Answer. ....	7
V.   The Examiner suggests that conveyance of information about mobile station seeking to join a network by telephone or any other written or verbal means by itself is enough to anticipate the presently claimed display. (See EXAMINER'S ANSWER at page 13, only full paragraph) .....	8
Conclusion .....	12
<b>Appendix:</b> Restatement of Summary of Claimed Subject Matter	

## **INTRODUCTION**

Appellant believes that certain of the positions and arguments presented in the EXAMINER'S ANSWER in the above-identified Appeal are erroneous or misleading.

Accordingly, while Appellant believes that its BREIF ON APPEAL correctly and completely presents its position on this APPEAL and that that position is compelling and should result in the allowance of this application over the Examiner's currently outstanding rejections, this REPLY BREIF is submitted for the purpose of clarifying the record and Appellant's position upon the position and arguments of the Examiner that are believed to be the most erroneous and/or misleading as they appear in the EXAMINER'S ANSWER as filed on 5 June 2006.

**SUMMARY OF CLAIMED SUBJECT MATTER**

At pages 2 and 3 of the EXAMINER'S ANSWER it is asserted that APPELLANT'S SUMMARY OF THE CLAIMED SUBJECT MATTER is deficient under 37 CFR 41.37(c ) (1)(v) because it lacks sufficient references to the specification and drawings of the underlying application. Appellant does not agree. It is Appellant's belief that particularly in view of the short nature of the present specification and the concentration of the description of its operation at the sections of the specification specifically referenced in APPELLANT'S SUMMARY OF THE CLAIMED SUBJECT MATTER as originally filed as part of its BRIEF ON APPEAL, that the SUMMARY OF THE CLAIMED SUBJECT MATTER as presented in its BRIEF ON APPEAL is appropriate under the Rules.

Nevertheless, in the interest of avoiding a situation wherein this Appeal becomes mired in a dispute over a purely technical argument to the detriment of a full and proper consideration of the issues of this Appeal on their substantive merits, Appellant is providing as an APPENDIX to this REPLY TO THE EXAMINER'S ANSWER a rewritten version of the originally SUMMARY OF THE INVENTION portion of its BRIEF ON APPEAL wherein extensive additional references to the specification and drawings of the underlying application have been provided. To the extent that the Board may agree with the Examiner's assessment of the Appellant's original SUMMARY OF THE INVENTION presented in the BRIEF ON APPEAL, Appellant respectfully requests that the SUMMARY OF THE INVENTION set forth in the APPENDIX to this REPLY TO THE EXAMINER'S ANSWER be substituted for the SUMMARY OF THE INVENTION portion of APPELLANT'S BRIEF ON APPEAL by way of correction of the defects therein alleged by the Examiner.

**STATEMENT OF ISSUES FOR REPLY**

Appellant herein presents comments on the following issues in response to the discussion contained in the EXAMINER'S ANSWER of 5 June 2006 in the above-identified Appeal.

- VI. The display means and the input means are not both associated with a human LAN administrator. The LAN administrator could be software within the scope of the claims. (EXAMINER'S ANSWER, Page 9, last paragraph)
- VII. Amendment After Final Rejection was not entered  
(Compare EXAMINER'S ANSWER at Page 6, last full paragraph with APPELLANT'S BRIEF ON APPEAL at page 9.)
- VIII. Examiner takes the erroneous position that the claims of this application cover either authenticating or authentication rejecting instructions, *but not both*. See page 8 of Answer.
- IX. The Examiner suggests that conveyance of information about mobile station seeking to join a network by telephone or any other written or verbal means by itself is enough to anticipate the presently claimed display. (See EXAMINER'S ANSWER at page 13, only full paragraph)

**APPELLANT'S REPLY**

**I. INTRODUCTION**

Appellant's position on this Appeal is that the Examiner's interpretation of the Bjorklund, et al reference as evidenced by the portions of the Examiner's remarks in support of the currently outstanding final rejections of the present application as quoted in APPELLANT'S BRIEF ON APPEAL is technically in error.

It is Appellant's position that the features of the present invention that distinguish it from the Bjorklund, et al reference relied upon by the Examiner are that (i) the information regarding the mobile station requesting authentication is displayed to the LAN administrator in the present invention for final approval of the association procedure, wherein the display device should be installed where the LAN administrator is located; and (ii) in the present invention, the LAN administrator has the right to choose whether or not to give authorization to the requesting mobile station for the association procedure.

In the foregoing points have been made and discussed in detail in Appellant's BRIEF ON APPEAL and will not be repeated here. It is Appellant's belief, however, that the Examiner in the Examiner's Answer filed in this Appeal has made several erroneous statements/arguments that require brief further comment/clarification in order to ensure the Board's correct understanding of the subject matter of this Appeal.



**II. The display means and the input means are not both associated with a human LAN administrator. The LAN administrator could be software within the scope of the claims. (EXAMINER'S ANSWER, Page 9, last paragraph)**

The specification makes it clear that the LAN Administrator is the user (i.e., a human). (See specification, page 13, line 16) Further, the specification makes it clear that the inputs 15 are to be such as to be utilized by a human operator. (See, specification, page 13, line 20) In addition, while the Examiner is unwilling to admit it, the words of the claim indicating that information about the station seeking admission to the network is "displayed" to the LAN administrator make no sense when given their ordinary and usual meaning if the LAN administrator is construed to include software. In other words, when given its ordinary and usual meaning, the terminology of the claim inherently and clearly means that the LAN administrator is a human. In addition, the descriptions of the present invention provided in the specification support this interpretation.

**III. Amendment After Final Rejection was not entered  
(Compare EXAMINER'S ANSWER at Page 6, last full  
paragraph with APPELLANT'S BRIEF ON APPEAL at page 9.)**

The Examiner is correct in that no Amendment to the Claims was submitted after Final Rejection. However, Applicants never stated otherwise as the Examiner has suggested. The reference to entry of Applicants' Amendment After Final Rejection made by Appellant at page 9 of its APPEALLANT'S BRIEF ON APPEAL specifically indicates that the Examiner's refusal to "enter" APPLICANT'S AMENDMENT AFTER FINAL REJECTION UNDER 37 CFR 1.116 dealt only with the Examiner's failure to allow this application in response to Applicant's request for reconsideration of the Final Rejection here on Appeal.

There is no dispute in this case concerning the content of the claims on Appeal.

IV. **Examiner takes the erroneous position that the claims of this application cover either authenticating or authentication rejecting instructions, but not both. See page 8 of Answer.**

It, of course, is true that by the LAN administrator in the present invention can give only one or the other instruction (i.e., an authentication acceptance or an authentication rejection) at any given time. However, the plain meaning of the words of the claim (not to mention the supporting specification) clearly and definitely indicate that the LAN Administrator **can** give either an authentication accepting or an authentication rejecting instruction (i.e., the claimed input is such that either type of instruction **can** be given alternatively, i.e., the input as claimed is **capable** of receiving accepting or rejecting instructions from the LAN administrator alternatively depending upon the information received about the particular mobile station seeking admission to the network – one instruction or the other will be given for each particular mobile station seeking admission to the network - but that does not mean that the input cannot receive an alternative instruction with respect to another mobile station seeking admission to the network).

It has already been argued in detail (and not seriously disputed by the Examiner), that the Bjorklund reference discloses a device that is **only capable** of outputting authenticating accepting instructions (i.e., even if the name of the requesting mobile station must be changed prior to the entry of the input at the “access point”, the Bjorklund reference discloses **only the provision accepting inputs**).

- V. **The Examiner suggests that conveyance of information about mobile station seeking to join a network by telephone or any other written or verbal means by itself is enough to anticipate the presently claimed display. (See EXAMINER'S ANSWER at page 13, only full paragraph)**

The fact that in the reference information about the station seeking admittance to the network in Bjorklund is conveyed to the network operator of the access point device by telephone or any other written or verbal means does not anticipate the display *that is part of the claimed access point device*. The claimed display is specifically defined as being a part of the access point device and as having the characteristic and function that it displays information regarding the mobile station seeking authentication from a LAN administrator for final authorization of an authentication procedure.

Nothing in the Bjorklund reference attributes these characteristics of the presently claimed display to the allegedly equivalent display of the reference as Appellant has already demonstrated extensively in APPELLANT'S BRIEF ON APPEAL.

Accordingly, since the access point device has an interface function with the claimed network, Appellant respectfully submits that it is not reasonable to infer as the Examiner does that to the extent that the transfer of information about the mobile station seeking admission to the network by telephone or any other written or verbal means (i.e., separately from the network and the mobile station seeking admission to the network) is written that that transmission of that information of necessity must be displayed to the access point operator via the alleged equivalent to the claimed display disclosed by Bjorklund. Appellant asserts that such a construction of the Bjorklund reference would incorrectly infer that the transmission of information between the operator of the mobile station and the operator of the access point device *outside of the context of the network or the mobile station seeking admission to the network* somehow interfaces with the network via the access point device in the same manner as the presently claimed display.

More specifically, Appellant respectfully submits that such an interpretation would be contrary to the clear and specific teachings of the Bjorklund reference that indicate that the initial transfer of information about the mobile station seeking admission to the network takes place in a **direct manner between the operators of the mobile station seeking admission to the network and the operator of the access point device outside of the context of the network and the mobile station seeking admission to the network.**

Hence, while it may be correct to infer that direct written communication between the operator of the mobile station seeking admission to the network and the operator of the network (LAN administrator) must somehow be “displayed” to the operator of the access point device in some way in order for it to be utilized effectively, Appellant respectfully submits that the “display” that conveys such **directly** transferred information to the LAN administrator about the mobile station seeking admission to the network is not the same as the “display” herein claimed as part of the access point device.

Thus, it will be understood that the present claim indicates that **the mobile station seeking admission to the network** requests authentication, not that the operator of the mobile station seeking admission to the network conveys information about the mobile station seeking admission to the network to the access point administrator by telephone or any other written or verbal means. In other words, even if the information transferred by telephone or another written or verbal means were to be in written form such that it had to be somehow “displayed” to the LAN administrator (assuming that the access point administrator is a human which the Examiner refuses to concede) in order to be used, there is absolutely nothing in the cited reference that teaches, discloses or suggests that the mechanism utilized to display such directly transmitted information is, could be, or should be, the same as the presently claimed “display” that is interfaced with the network via the access point device as claimed.

Instead, Appellant respectfully submits that the best that can be said for the Examiner's position is that the access point (LAN) administrator in the cited reference utilizes information about the mobile station seeking admission to the network transferred directly to him outside of the network in such a manner that the mobile station seeking admission to the network is granted admission to the network with a name that does not conflict with the names of the other stations already forming parts of the network. This is quite different from displaying on a display that is part of the access point information about a station seeking admission to a network from the station seeking admission to the network directly for evaluation and decision by the LAN administrator.

Indeed, the Examiner's response to Appellant's argument concerning the difference between the presently claimed display and the display of the reference become quite clear with regard to the issue of the display of information associated with the renaming of the mobile station seeking admission to the network of the reference. In that regard, Appellant pointed out that the information displayed by the display of the reference was not information "about the mobile station seeking admission to the network", but rather was information about how the information concerning the station seeking admission to the network has to be configured/reconfigured in order for admission of that mobile station to the network to be appropriate and granted. In other words, the Examiner's characterization of information about how the information about the station seeking admission to the network would have to be cast in the future in order for that mobile station to be allowed to join the network as being equivalent to the claimed information about the mobile station seeking admission to the network is **not** indicative of the "display" of the claimed information about the present characteristics of the mobile station seeking admission to the network upon which the LAN administrator as presently claimed acts in the issuance of an authentication-authorizing or rejecting instruction in the present invention.

Accordingly, Appellant respectfully submits that the Examiner's comments concerning Appellant's arguments regarding the differences between the presently claimed display and some undefined display means that would be necessary to convey information transmitted to the access point (LAN) administrator outside of the context of the network or the communication of the mobile station seeking admission to the network with the access point device directly are not well taken.

Appellant respectfully submits that the ultimate and inescapable conclusion is that the Bjorklund reference totally fails to attribute (teach, disclose or suggest) the display characteristics of the presently claimed display with respect to the display mentioned in association with the Bjorklund device. Instead, it appears that the Examiner is attempting to engraft upon the Bjorklund disclosure display characteristics that are not present therein by virtue of some sort of implied inherency. Appellant, however, respectfully submits that even if one accepts the basic premise of the Examiner's inherency argument concerning the necessity of "displaying" written communications from outside of the context of the network resulting from a direct contact between the access point device of the network and a mobile station seeking admission to the network to the LAN administrator, the result cannot be stretched so far as to attribute characteristics of that inherent disclosure either to the elements of the display specifically described in the reference or the display herein claimed. In other words, the Examiner's inherent "display" is not the same as the display specifically defined in the Bjorklund reference nor is it the same as the display herein claimed for purposes of an anticipation rejection of the present claims.

**CONCLUSION**

Appellant respectfully submits that in combination with the discussion previously presented in its BREIF ON APPEAL, the foregoing remarks totally and definitively overcome the Examiner's currently outstanding rejections under 35 USC 102(b) as presented in the currently outstanding FINAL Official Action in the view of all the facts and argument of record herein. In particular, Applicants respectfully submit that the Examiner consistently has attributed disclosure to the Bjorklund reference that is not actually present therein. Absent those erroneous attributions concerning the content of the prior art currently of record in this application, Applicants respectfully submit that the Examiner could not have reasonably reached the conclusion that the present invention is anticipated by the Bjorklund, et al. reference within the meaning of 35 USC §102(b). Consequently, Appellant respectfully submits that the instant invention is both novel and inventive over the art relied upon by the Examiner, and respectfully requests a decision so holding on this Appeal.



**Finally, although it is not believed that the present submission requires any further fee to secure its consideration by the Office, the Examiner or other appropriate officer, of the United States Patent and Trademark Office hereby is authorized to any charge such fee that may be deemed to be due, appropriate or otherwise required, or to credit any overpayment, to the deposit account of the undersigned, Deposit Account 04-1105 .**

Respectfully submitted,

Date: August 4, 2006

By: David A. Tucker  
David A. Tucker (Reg. No. 27,840)  
EDWARDS ANGELL PALMER & DODGE, LLP  
P. O. Box 55874  
Boston, MA 02205  
Tel. (617) 517-5508  
Fax (617) 439-4170 / 7748  
Customer No.: 21874